

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

FILED  
CHARLOTTE, NC

JUN 22 2018

United States of America

v.

Wayne Lamont Johnson

Case No.

3:18-mj- 202

US District Court  
Western District of NC

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 13, 2017 in the county of Iredell in the  
Western District of North Carolina, the defendant(s) violated:

Code Section

Offense Description

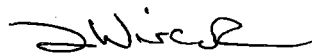
Title 18, USC, Section 922(g)(1)

Felon In Possession of a Firearm

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.



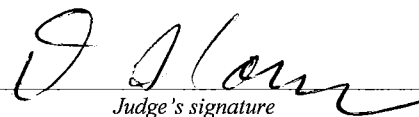
Complainant's signature

James J. Wingler, ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 06/22/2018



Judge's signature

City and state: Charlotte, North Carolina

Honorable David S. Cayer, U.S. Magistrate Judge

Printed name and title

**ATTACHMENT A:**

**Affidavit in Support of Criminal Complaint and Arrest Warrant for**  
**Wayne Lamont JOHNSON**

I, James Wingler, a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), having been first duly sworn, do hereby depose and states as follows:

**INTRODUCTION**

1. I am an investigator or law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7), that is, an officer of the United States who is empowered to conduct investigations of and to make arrests for the offenses enumerated in Titles 18, 19, 21, and 31, of the United States Code and other related offenses. I have been a special agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Justice Department for over 4 years. I am currently assigned to the Charlotte, North Carolina Field Office. My duties involve the investigation of federal firearms offenses and associated violent crime and narcotics offenses.

2. Prior to serving as an ATF Special Agent, I was employed with the Iredell County Sheriff's Office in Statesville, North Carolina for six years. While with the Iredell County Sheriff's Office, I was also assigned as a Task Force Officer with ATF for approximately two years. Prior to that position, I was employed as a police officer with the Hickory Police Department in North Carolina for five and one-half years. In these positions, I investigated various criminal offenses, including those related to firearms.

3. I have successfully completed the North Carolina Basic Law Enforcement Training and numerous hours of training in excess of 1000 hours at various other colleges in the State of North Carolina through on going in service training. I am a graduate of the Federal Law Enforcement

Training Center and the ATF National Academy. I have received additional specialized training for advanced interviewing techniques and tactical training.

4. The statements contained in this Affidavit are based on information I have learned through my own investigation, experience, and background as an ATF agent and through that of other ATF agents and members of law enforcement. Because this Affidavit is being submitted for the limited purpose of securing a Criminal Complaint and Arrest Warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe that **Wayne Lamont JOHNSON** violated Title 18, United States Code, Section 922(g)(1), by knowingly possessing a firearm in the Western District of North Carolina after being convicted of a felony offense.

#### **SYNOPSIS OF INVESTIGATION**

5. On September 13, 2017, a Statesville Police Department (SPD) Officer Bradley Couturier received information from Statesville Police Department Narcotics Detectives in regards to an individual wanted on an active arrest warrant. Officer Couturier was advised that a confidential, reliable informant had observed the wanted person at 1134 5<sup>th</sup> Street in Statesville, North Carolina, getting into a silver GMC Yukon with large chrome rims. Officer Couturier confirmed there was an active warrant on the individual and he (Officer Couturier) and other SPD Officers responded to the area.

6. Officer Couturier conducted surveillance and observed the silver GMC Yukon at the above mentioned address. Approximately 10 minutes later, the vehicle left the residence. Upon attempting to catch up to the vehicle to conduct a traffic stop, Officer Couturier lost sight of the vehicle.

7. Officer Couturier recalled observing a vehicle matching the description of the silver GMC Yukon, prior to receiving the information, earlier during his shift traveling in the area of West Front Street and North Oakland Avenue. Officer Couturier responded to this area and set stationary at a stop sign at North Oakland Avenue and Alexander Street. While setting at this location, Officer Couturier observed the silver GMC Yukon traveling in his direction.

8. As the vehicle approached, Officer Couturier observed the driver make an abrupt turn without using a turn signal and without reducing the vehicles speed. Officer Couturier then followed the vehicle and conducted a traffic stop in the parking lot of an apartment complex. As Officer Couturier stopped the vehicle, the driver, later identified as **JOHNSON**, exited the vehicle immediately and stood on the front porch of an apartment unit.

9. Officer Steve Laws assisted Officer Couturier with the traffic stop and made contact with **JOHNSON** on the porch of the apartment. As Officer Couturier approached the passenger of the vehicle, he observed a firearm laying the on rear passenger-side floorboard. The officers were familiar with **JOHNSON** and knew him to be a convicted felon and, therefore, prohibited from possessing a firearm. The officers secured the firearm, a Heritage .22 caliber revolver.

10. Officer Couturier identified the passenger as L.S. L.S. told Officer Couturier that **JOHNSON** just picked her up and that **JOHNSON** turned into the parking lot as soon as he observed a patrol car. L.S. stated that she did not know that **JOHNSON** had a gun until she heard a loud thud and knew **JOHNSON** threw something into the back seat. The wanted individual was not located in the vehicle.

11. **JOHNSON** was arrested for the North Carolina offense of possession of firearm by convicted felon and other charges. While being processed at the Iredell County Detention

Center and being advised of his charges, **JOHNSON** made an utterance to Officer Couturier, stating, "I don't care about the gun, yeah I had a gun, that guy shot me three times."

12. On June 13, 2018, your Affiant spoke with Statesville Police Department Sergeant Tenita Huffman. Sergeant Huffman confirmed that Wayne Lamont JOHNSON, prior to his possession of the firearm described above, had previously been convicted of a crime punishable by imprisonment for a term exceeding one year – Felony possession of cocaine (13CRS55642) in Iredell County, North Carolina.

13. Your Affiant conducted research on a Heritage .22 caliber revolver and confirmed that since no Heritage .22 caliber revolvers are manufactured in the state of North Carolina, the pistol traveled in and affected interstate commerce.

### **CONCLUSION**

Wherefore, based upon all of the information set forth in this Affidavit, I respectfully submit that there is probable cause to believe Wayne Lamont JOHNSON, did on or about September 13, 2017, violate Title 18, United States Code, Section 922(g)(1), by possessing a firearm after being convicted of a felony offense. In consideration of the foregoing, I respectfully request that this Court issue a Criminal Complaint and Arrest Warrant for Wayne Lamont JOHNSON.



AFFIANT, SPECIAL AGENT JAMES J. WINGLER  
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

*SAUSA Erik Lindahl has reviewed this Affidavit.*

Subscribed and sworn to by me this 22nd day of June 2018.

A handwritten signature in black ink, appearing to read "D. Cayer", is written over a horizontal line.

THE HONORABLE DAVID S. CAYER  
UNITED STATES MAGISTRATE JUDGE